

Applicants : Dirk Lichtblau et al.
Serial No. : 10/615,346
Filed : July 7, 2003
Page : 2

REMARKS

Claims 72-98 are pending in the subject application.

Rejections under 35 U.S.C. §112, second paragraph

On page 2 of the June 3, 2004 Office Action the Examiner rejected claims 72-77 under 35 U.S.C. 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner alleged that in claims 72-77, the term "terpene trilactones" or the term "each teri(e)ne trilactones" is vague since it is not clear that the term represents a single component or the combination of various components, and it cannot represent both in the claim. The Examiner noted the term is in plural form, thus, it would be a mixture of components. The Examiner also alleged that in claims 78-98, it is not clear how a single process can produce three different mixtures having different compositions as claimed in claim 78 wherein the process is the same, i.e., containing the same steps and without any modification, and in claims 79-98, it is not clear what composition is being claimed, and how to obtain a single composition as represented by claim 72, by claim 74 or by claim 76 by using the process as disclosed in claim 78.

In response, applicants respectfully traverse the Examiner's rejection for the reasons which follow.

The term "terpene trilactones" is well understood in the art to refer to the mixture of various ginkgolides and bilobolide from the Ginkgo biloba plant. See, for example, the use of this term in public documents copies of which are attached hereto as **Exhibit A, B and C** (relevant portion highlighted).

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Page : 3

With respect to the Examiner's inquiry of how a single process produces the different mixtures recited in applicant's claims, applicants respectfully direct the Examiner to Figure 7 and the description of Figure 7 on page 4 of the specification where applicants describe that they produce different mixtures of terpene trilactones by using different starting materials. Thus, the specification teaches how each of the claimed mixtures can be obtained by using the claimed process with different starting material.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with this Response. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


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